

ORIGINAL

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FILED  
U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
MAR 11 P 2 19  
CLERK OF COURT

*Attorneys for Applicant AT&T Mobility LLC*

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA

Plaintiff,

v.

AMERICAN SOCIETY OF COMPOSERS, AUTHORS  
AND PUBLISHERS,

Defendant.

Case No. 41-1395 (WCC)

In the matter of the Application for the Determination of  
Reasonable License Fees by

AT&T WIRELESS

**MOTION TO ADMIT ALEX S. FONOROFF *PRO HAC VICE***

This Motion for Admission to Practice *Pro Hac Vice* is filed pursuant to Rule 1.3(c) of the Local Rules for the United States District Courts for the Southern Districts and Eastern

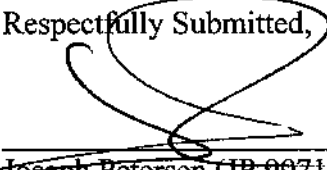
Districts of New York. The undersigned counsel, a member of the Bar of this Court, hereby moves this Court for an Order allowing the admission *pro hac vice* of:

ALEX S. FONOROFF  
**KILPATRICK STOCKTON LLP**  
1100 Peachtree Street, Suite 2800  
Atlanta, Georgia 30309-4530  
Phone: (404) 815-6500  
Fax: (404) 815-6555  
Email address: [afonoroff@kilpatrickstockton.com](mailto:afonoroff@kilpatrickstockton.com)

Alex S. Fonoroff is a member in good standing of the Bar of the State of Georgia. There are no pending disciplinary proceedings against Alex S. Fonoroff in any State or Federal court.

DATED: March 4, 2009  
New York, New York

Respectfully Submitted,



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Joseph Petersen (JP 9071)  
**KILPATRICK STOCKTON LLP**  
31 West 52<sup>nd</sup> Street, 14<sup>th</sup> Floor  
New York, NY 10019  
Phone Number: (212) 775-8700  
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Case No. 41-1395 (WCC)

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**AFFIDAVIT OF JOSEPH PETERSEN IN SUPPORT OF MOTION  
TO ADMIT ALEX S. FONOROFF *PRO HAC VICE***

STATE OF NEW YORK     )  
   ) ss:  
COUNTY OF NEW YORK )

Joseph Petersen, being duly sworn, hereby deposes and says as follows:

1. I am a partner at the law firm of Kilpatrick Stockton LLP, 31 West 52<sup>nd</sup> Street, New York, New York 10019, counsel for Applicant AT&T Mobility LLC ("AT&T"), in the above captioned action (incorrectly named in the caption as "AT&T Wireless"). I am familiar with the proceedings in this case. I make this statement based on my personal knowledge of the facts set forth herein and in support of AT&T's motion to admit as counsel *pro hac vice* to represent AT&T.

2. I am a member in good standing of the bar of the State of New York, and was admitted to practice law in 1997. I am also admitted to the bar of the United States District Court for the Southern District of New York, and am in good standing with this Court.

3. I have known Alex S. Fonoroff for approximately 3 years.

4. Mr. Fonoroff is a partner at the law firm of Kilpatrick Stockton LLP, 1100 Peachtree Street, Suite 2800, Atlanta, Georgia 30309-4530.

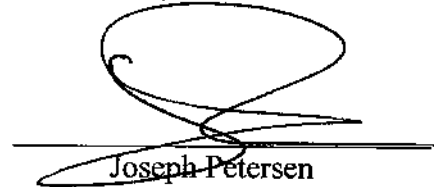
5. I have found Mr. Fonoroff to be a skilled attorney and a person of integrity. He is experienced in Federal practice and is familiar with the Federal Rules of Procedure.

6. Accordingly, I am pleased to move the admission of Alex S. Fonoroff, *pro hac vice*.

7. I respectfully submit a proposed order granting the admission of Alex S. Fonoroff, *pro hac vice*, which is attached hereto as Exhibit A.

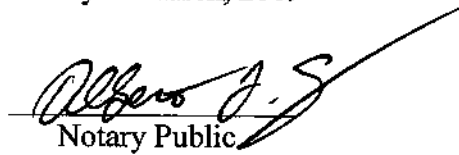
WHEREFORE it is respectfully requested that the motion to admit Alex S. Fonoroff, *pro hac vice*, to represent AT&T in the above captioned matter, be granted.

Respectfully Submitted,



Joseph Petersen

Sworn to before me this  
4<sup>th</sup> day of March, 2009



Notary Public

ALBERTO J. GARCIA  
Notary Public, State of New York  
No. 01GA6053013  
Qualified in New York County  
Commission Expires January 29, 20 11

# STATE BAR OF GEORGIA



*Lawyers Serving the Public and the Justice System*

**Mr. Alex Seth Fonoroff**  
**Kilpatrick Stockton LLP**  
**1100 Peachtree Street, N.E., Suite 2800**  
**Atlanta, GA 30309-4530**

**CURRENT STATUS:** Active Member-Good Standing  
**DATE OF ADMISSION:** 11/21/2000  
**BAR NUMBER:** 267457  
**TODAY'S DATE:** February 27, 2009

Listed below are the public disciplinary actions, if any, which have been taken against this member:

State Disciplinary Board Docket #	Supreme Court Docket #	Disposition
N/A	N/A	N/A

The prerequisites for practicing law in the State of Georgia are as follows:

- Must be certified by the Office of Bar Admissions, either by Exam, or on Motion (Reciprocity).
- Sworn in to the Superior Court in Georgia, which is the highest court needed for individuals to practice law in the State of Georgia.
- Enrolled with the State Bar of Georgia, which is an arm of the Supreme Court of Georgia.

Attorneys licensed in Georgia and whose membership is current are eligible to practice law in Superior Court. Attorneys may, upon application, apply for admission to the Supreme, District and State Court of Appeals.

Under the privacy/confidentiality provision of the Bar Rule 4-221(d), any complaint against a member resolved prior to the filing and docketing of a disciplinary case in the Supreme Court is not a matter of public record, and may not be revealed without a waiver from the member. It is the policy of the State Bar of Georgia to answer any inquiry about a member by disclosing only those complaints that have been docketed in the Supreme Court. With respect to matters that are currently pending as active, undocketed cases, when an inquiry is received, the State Bar of Georgia shall not disclose the existence of those complaints. Such non-disclosure should not be construed to confirm the existence of confidential complaints since the vast majority of members in good standing are not the subjects of such confidential complaints.

This member is currently in "good standing" as termed and defined by State Bar Rule 1-204. The member is current in license fees and is not suspended or disbarred as of the date of this letter.



## STATE BAR OF GEORGIA

*Brandy Cleghorn*

Official Representative of the State Bar of Georgia

### HEADQUARTERS

104 Marietta Street, Suite 100  
 Atlanta, Georgia 30303  
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 FAX (229) 382-7435

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA

Plaintiff,

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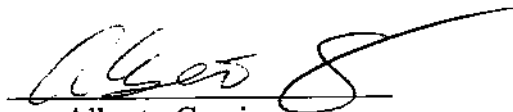
Case No. 41-1395 (WCC)

**CERTIFICATE OF SERVICE**

I hereby certify that on the 10<sup>th</sup> day of March 2009, a true and correct copy of the foregoing Motion to Admit Alex S. Fornoroff *Pro hac Vice* was served by first class mail, postage fully prepaid upon the following:

David Leichtman, Esq.  
Hillel Parness, Esq.  
Michael Roffe, Esq.  
Lovells, LLP  
590 Madison Avenue  
New York, NY 10022  
Attorneys for Defendant ASCAP

Richard H. Reimer  
ASCAP  
One Lincoln Plaza  
New York, NY 10023

  
Alberto Garcia